



PLANNING COMMISSION AGENDA REPORT

VI.4

MEETING DATE: JULY 14, 2008

ITEM NUMBER:

**SUBJECT: PLANNING APPLICATION PA-08-17
2131 TUSTIN AVENUE**

DATE: JULY 3, 2008

**FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611**

PROJECT DESCRIPTION

The request is to operate a preschool (Sunshine Community Nursery School) within the existing City-owned Boys and Girls Club facility in Willard T. Jordan Park.

APPLICANT

The applicant is Dororthy Leever, authorized agent for the City of Costa Mesa, which owns the property.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.

MEL LEE, AICP
Senior Planner

KIMBERLY BRANDT, AICP
Asst. Development Services Director

PLANNING APPLICATION SUMMARY

Location: 2131 Tustin Avenue Application: PA-08-17
 Request: Conditional use permit to operate a preschool (Sunshine Community Nursery School) within the existing City-owned Boys and Girls Club facility in Willard T. Jordan Park.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone: <u>I &R</u>	North: <u>R2-MD, Residences</u>
General Plan: <u>Public/Institutional</u>	South: <u>R2-MD, Residences</u>
Lot Dimensions: <u>330 FT x 327 FT</u>	East: <u>(Across Tustin Ave., Newport Beach), Residences</u>
Lot Area: <u>2.5 Acres</u>	West: <u>I &R, Kaiser Elementary School</u>
Existing Development: <u>Boys & Girls Club Facility and Willard T. Jordan Park</u>	

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
Lot Area	6,000 SF	108,900 SF (2.5 AC)
Floor Area Ratio (Existing Building)	.25 (27,225 SF)	.16 (17,258 SF)
Parking		
Standard	15	17
Handicap	1	1
TOTAL:	16 Spaces	18 Spaces

CEQA Status	<u>Exempt, Class 1 (Existing Facilities)</u>
Final Action	<u>Planning Commission</u>

BACKGROUND

Willard T. Jordan Park, which is 2.5 acres in size, is located on the City's eastside and is bordered to the east (across Tustin Avenue) by residential neighborhoods in the City of Newport Beach; Kaiser Elementary School abuts the property to the west. The property is owned by the City and was originally named Tustin Avenue Park. In 1966, the facility for the Boys and Girls Club was constructed on the property; the remainder of the property was kept as a public park and renamed Willard T. Jordan Park.

The building within the park is leased and operated by the Boys and Girls Club of the Harbor Area. The facility is approximately 17,258 square feet in size, consisting of a main recreation room, multi-purpose rooms, smaller classrooms, a gymnasium, outdoor basketball court, and on-site parking spaces.

ANALYSIS

The applicant represents Sunshine Community Nursery School, which is proposing to operate the following program in one of the rooms not used by the Boys and Girls Club:

- A three-day program (Monday, Wednesday, and Friday) from 9:00 a.m. to 12:00 p.m. for children ages four and five, with a maximum class size of 24 students.
- A two-day program (Tuesday and Thursday) from 9:00 a.m. to 12:00 p.m. for children ages three and four, with a maximum class size of 24 students.

No construction is proposed in conjunction with this use. Staff does not anticipate parking problems as a result of this use because the programs operated by the Boys and Girls Club are provided in the afternoon hours and the preschool is similar in nature to the activities of the Boys and Girls Club. Therefore, the proposed preschool should not create any negative impacts.

GENERAL PLAN CONFORMITY

The use is permitted in the I&R zone with a conditional use permit; therefore, it is consistent with the General Plan and the Master Plan of Parks and Recreation, specifically, Objective OSR-1A.16, which encourages parks to provide facilities appropriate for all ages.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Approve the use as proposed by the applicant; or
2. Deny the use as proposed. If the use is denied, the applicant could not submit substantially the same type of application for six months.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities.

CONCLUSION

It is staff's opinion that, based on the proposed operation and recommended conditions, the preschool will not create any adverse impacts on surrounding properties. Therefore, staff supports the request.

Attachments: Draft Planning Commission Resolution – Approval
 Exhibit "A" - Draft Findings for Approval
 Exhibit "B" - Draft Conditions of Approval
 Draft Planning Commission Resolution – Denial
 Exhibit "A" - Draft Findings for Denial
 Applicant's Description of the Use
 Zoning/Location Map
 Plans

cc: Deputy City Manager - Dev. Svs. Director
 Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Jana Ransom, Recreation Services Manager
 Staff (4)
 File (2)

Dorothy Leever
 20232 Bayview Avenue
 Newport Beach, CA 92660

Boys and Girls Club of the Harbor Area
 Attn: Dan Monahan, Executive Director
 P.O. Box 10297
 Costa Mesa, CA 92627

File: 071408PA0817

Date: 062608

Time: 8:30 a.m.

RESOLUTION NO. PC-08-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-08-17**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Dororthy Leever, authorized agent for the City of Costa Mesa, owner of Willard T. Jordan Park, located at 2131 Tustin Avenue, requesting approval of a conditional use permit to operate a preschool (Sunshine Community Nursery School) within the existing City-owned Boys and Girls Club facility in an I & R zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on July 14, 2008;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-08-17 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-08-17 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B" as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 14th day of July, 2008.

Donn Hall, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Kimberly Brandt, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on July 14, 2008, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS (APPROVAL)**

- A. The use complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The use is compatible and harmonious with uses on surrounding properties.
 2. Safety and compatibility of the design of the parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 3. The use, as conditioned, is consistent with the General Plan and the Master Plan of Parks and Recreation.
 4. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the use is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, parking problems are not anticipated as a result of this use because the programs operated by the preschool will be in the morning hours, the programs for Boys and Girls Club are provided in the afternoon hours, and the uses are similar in nature. Granting the conditional use permit will not allow a use, density or intensity, which is not in accordance with the general plan designation for the property.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
- D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL (IF APPROVED)**

- PIng.
1. The conditional use permit herein approved shall be valid until revoked. However, the conditional use permit shall expire at the end of one year unless the use legally commences or the applicant applies for and is granted an extension of time. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is operated in violation of applicable laws or ordinances or, if in the opinion of the Development Services Director or his designee, any of the findings upon which the approval was based are no longer applicable. Nothing in this condition shall exempt the applicant from complying with any time limits applied to any construction authorized by this application.
 2. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request.
 3. The use shall be limited to the type of operation described in this staff report, specifically, the following:
 - A three-day program (Monday, Wednesday, and Friday) from 9:00 a.m. to 12:00 p.m. for children ages four and five, with a maximum class size of 24 students.
 - A two-day program (Tuesday and Thursday) from 9:00 a.m. to 12:00 p.m. for children ages three and four, with a maximum class size of 24 students.
 4. Any change in the operational characteristics including, but not limited to, class size or hours of operation, will require approval of an amendment to the conditional use permit, subject to Planning Commission approval.
 5. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The operator shall institute whatever security and operational measures are necessary to comply with this requirement.

RESOLUTION NO. PC-08-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING PLANNING APPLICATION
PA-08-17**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Dorothy Leever, authorized agent for the City of Costa Mesa, owner of Willard T. Jordan Park located at 2131 Tustin Avenue, requesting approval of a conditional use permit to operate a preschool (Sunshine Community Nursery School) within the existing City-owned Boys and Girls Club facility in an I & R zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on July 14, 2008;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** Planning Application PA-08-17 with respect to the property described above.

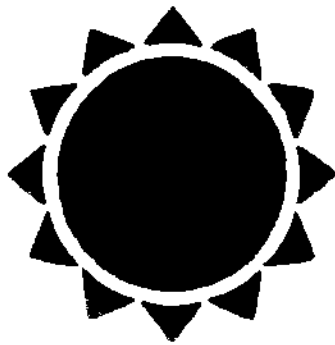
PASSED AND ADOPTED this 14th day of July, 2008.

Donn Hall, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS (DENIAL)

- A. The use does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
 - 1. The use is not compatible and harmonious with uses on surrounding properties.
 - 2. The use is not consistent with the General Plan.
 - 3. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that the use is not compatible with developments in the same general area. Granting the conditional use permit will be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Granting the conditional use permit will allow a use, density or intensity, which is not in accordance with the general plan designation for the property.
- C. The Costa Mesa Planning Commission has denied Planning Application PA-08-17. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.
- D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.



SUNSHINE COMMUNITY NURSERY SCHOOL

P.O. BOX 1763-2850 FAIRVIEW ROAD, COSTA MESA, CALIFORNIA 92626-(714) 540-1183

June 9, 2008

City of Costa Mesa
Development Services Department
77 Fair Drive
Costa Mesa, Ca 92628

Dear Sirs:

Sunshine Community Nursery School is changing locations. We are currently located in Costa Mesa at 2850 Fairview Road and have plans to move to 2131 Tustin Ave. We would like to start the 2008-2009 school year in September, at our new location.

Our preschool is substantially compatible with the building we will be in, the Boys and Girls Club, as well as the playground at Jordan Park. Sunshine Preschool is a non-profit organization, facility number 30060094. We provide a community service for families with preschool aged children. Sunshine is a cooperative preschool, where the parents volunteer their time and are involved with their childrens' education and running of the school. We offer a three-day program for children ages four and five, held on Monday, Wednesday, and Friday from 9am-12pm. Class size is limited to twenty-four children. We also offer a two-day program for children ages 3 and 4, held on Tuesday and Thursday from 9am-12pm. This class size is also limited to twenty-four children. Since our class time is during the morning hours, this accommodates the hours of use for the Boys and Girls Club, which is in the afternoon hours. We feel that the preschool would not be materially detrimental to the other properties in the same area. We feel our preschool services would benefit the community and properties surrounding it.

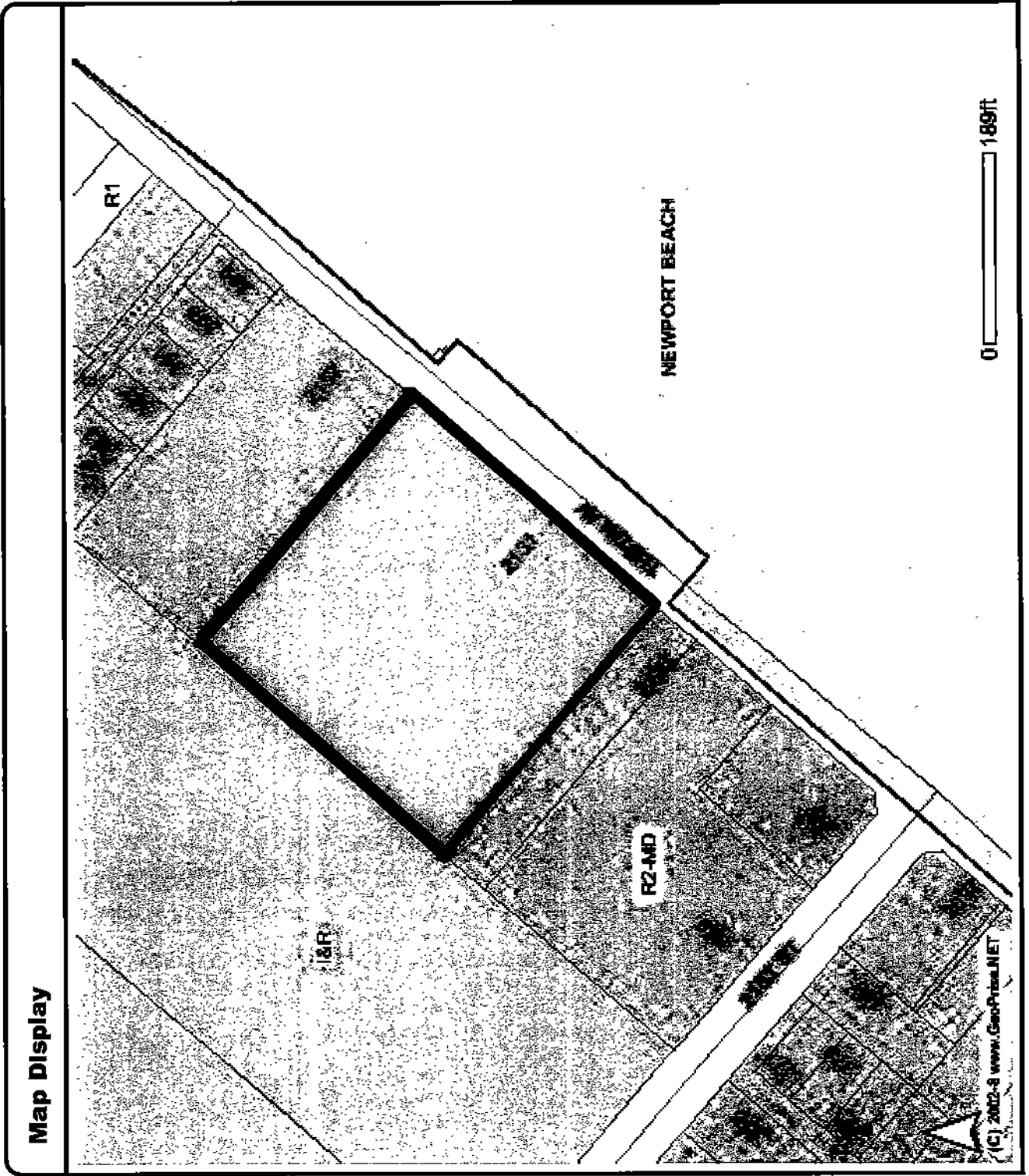
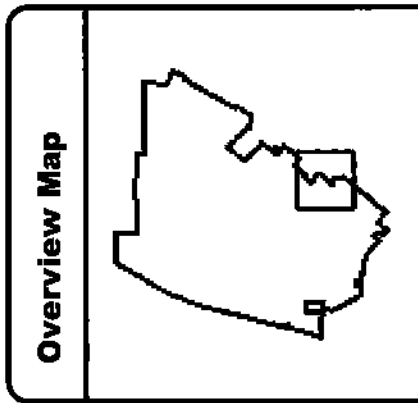
If you have any questions or concerns, please do not hesitate to call me, (949) 292-8475.

Sincerely,

Dorothy Leever
President
Sunshine Community Nursery School

City of Costa Mesa

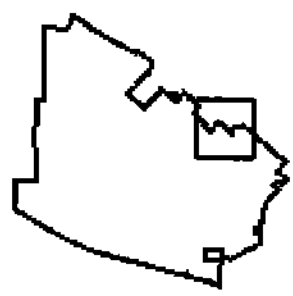
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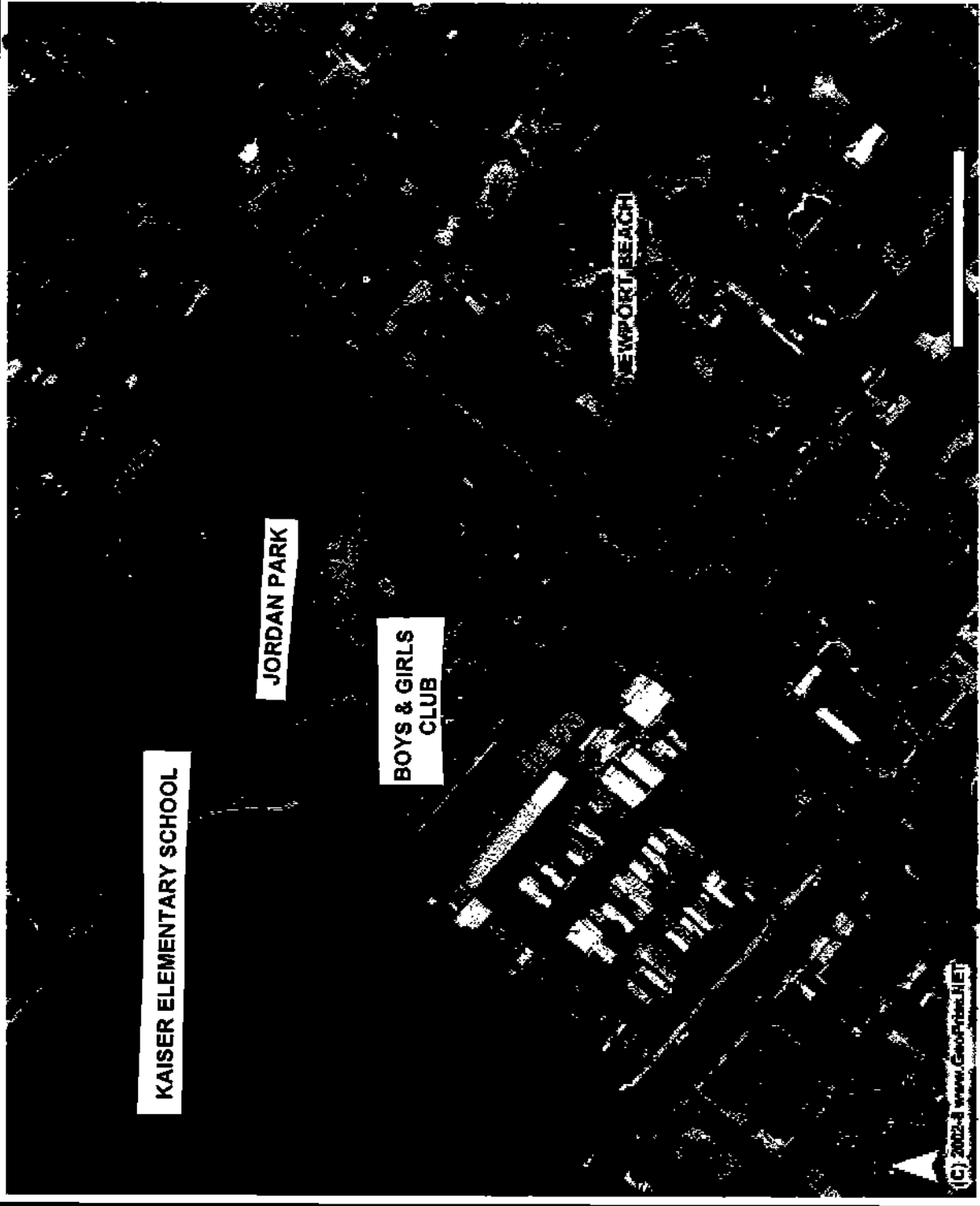
Legend

Address Medium	Parcel Lines	City Boundary	City Facilities	Zoning
Address Points				
Street Names				
Street Centerlines				
Sphere Of Influence Line				
AP C1				
C1-S (cont)				

Overview Map



Map Display



Legend

- | | | | | | |
|--------------------------|--------------|---------------|-----------------|---------------------|---------------------|
| Address Medium | Parcel Lines | City Boundary | City Facilities | Level 2 Ortho Photo | Sphere Of Influence |
| Address Points | | | | | |
| Street Names | | | | | |
| Street Centerlines | | | | | |
| Sphere Of Influence Line | | | | | |

6' HIGH CHAIN LINK FENCE 280'-2"

5' HIGH BLK WALL

LEGEND
TOP OF SAND
FINISH GRADE
P.O.
F.L.
F.L.
EXIST. PIN DRIVE



NEW 12' x 4' NORTH
DOOR

TRUCK STORAGE BAY
1. ADD SPACE TO BAY'S END

EXIST. WALLS
(N) 61'

SUBSTANTIAL
(N) 61'

EXIST. HOUSE
PITCHED ROOF

PATIO
(N) 61'

EXISTING DRIVE SLIP
PT. ELEV. 100'-0" B.M.

EXISTING
FOUNDING

EXIST. DRIVE LOT

NEW 14' x 5' GARAGE
TRUCKS

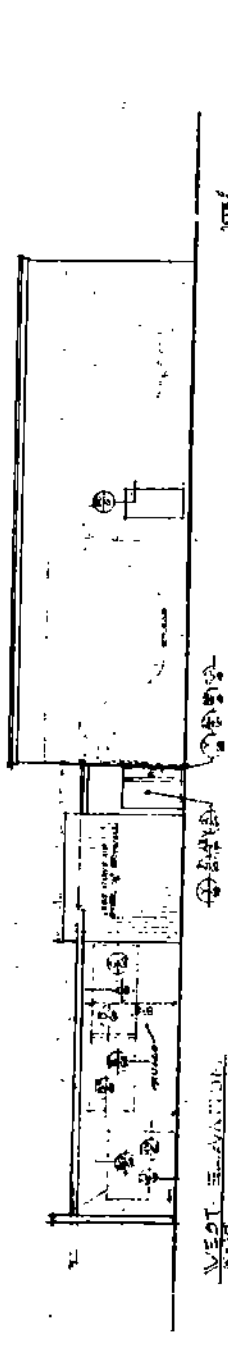
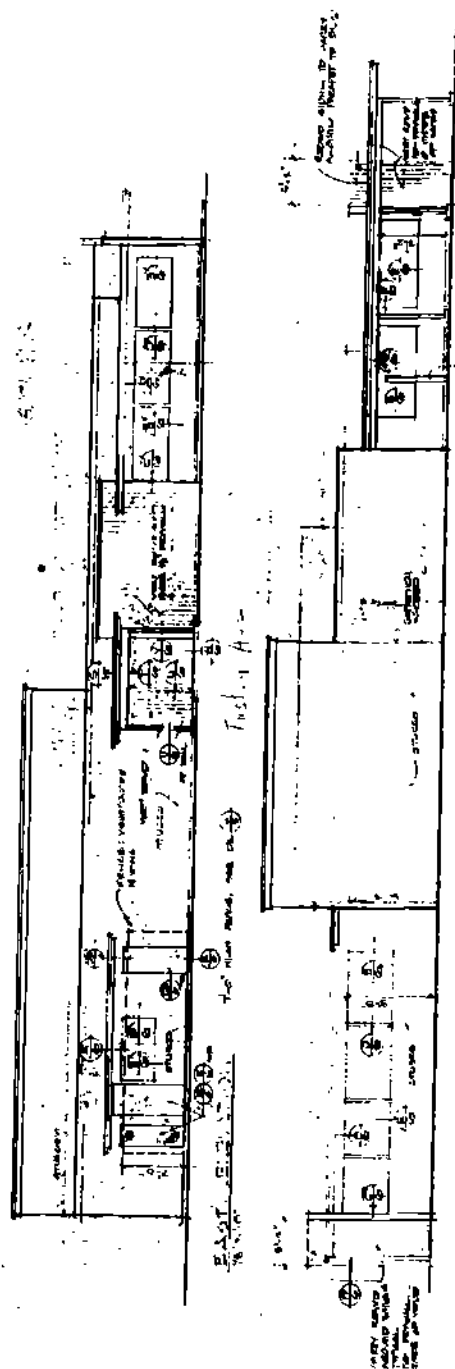
5' HIGH BLK WALL

PA-08-17

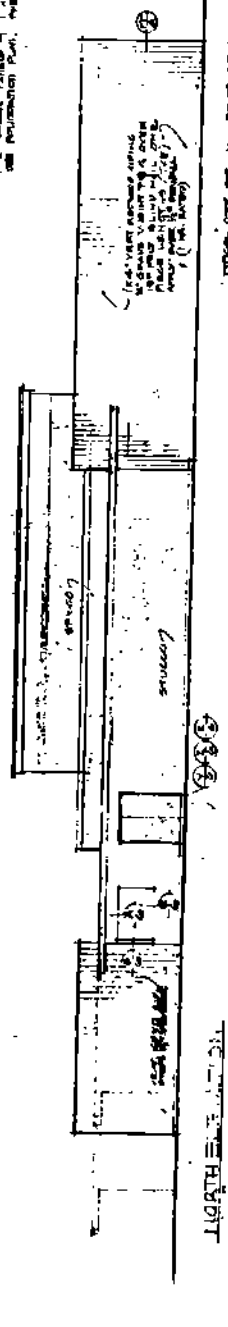
4 TUSTIN AVENUE

PLOT PLAN

SCOTT VAN DYKE



NOTE: OFFICE TO BE LOCATED IN THE CORRIDOR BETWEEN THE OFFICE AND STUDIOS



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VI.4

PA-08-17

Dorothy Wilson, a resident at 2175 Tustin Avenue, called noting concerns with parking and traffic, and the speed of vehicles on Tustin Avenue.

Mel

7/3/08

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

JUL - 3 2008